

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of
Muller, et. al.

Group Art Unit: 1615

U.S. Serial No.: 10/030,417

Examiner: Berko, Retford O.

Filed: January 10, 2002

For: METHOD FOR CONTROLLED PRODUCTION OF ULTRAFINE
MICROPARTICLES AND NANPARTICLES

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30 May 2007

RESPONSE TO OFFICE ACTION MAILED 1 DECEMBER 2006

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 2313-1450

Sir:

This is in response to the Office Action mailed 1 December 2006. Please consider this paper a petition for a three month extension of time.

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-20 and 22-46 are pending in the application.

The rejection of claims 1-4, 7, 10, 11, 13, 15, 22 and 27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,858,410 (Muller 410) is respectfully traversed. The claimed invention is not anticipated by Muller 410 for the reasons of record and for the following reasons.

The present invention relates to a new process. This new process is considerably different from those known in the art, including the process disclosed in Muller 410.

Irrespective of the question of novelty of a product produced by the presently claimed process, from the complete context of Muller 410, it is clear that with the term solvent a water phase was identified and not an organic phase because in the complete Muller 410 it is referred to the importance of having cavitation and, thus, using water as dispersion medium. See column 5, lines 6-7 of Muller 410,